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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,544	09/23/2003	Andreas Norbert Wiswesser	7690-535001	4646
26185	7590	12/11/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			ROSE, ROBERT A	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,544

Applicant(s)

WISWESSER ET AL.

Examiner

Robert Rose

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 17-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☒ Claim(s) 7 and 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's election with traverse of Group I in the reply filed on September 26, 2006 is acknowledged. The traversal is on the ground(s) that the inventions are so closely related as to be best examinable in a single application. This is not found persuasive because the inventions were shown to be both independent and distinct, and to have non-coextensive fields of search. To maintain that all inventions be examined together would require that a burdensome search be performed.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 17-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 26, 2006.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-6, 8-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al(US 6358130) in view of Birang et al(US6537133). Freeman et al discloses a polishing pad comprising all of the subject matter set forth in Applicant's claims above, except for the recitation of the window member being positioned a predetermined distance below the polishing surface, and the particular recitation of window material. However, Birang et al('133) teach at column 6, lines 50-

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68 to provide a small but finite gap between the polishing surface and window, to avoid contact between the window and the work surface. To recess the window in the polishing pad of Freeman et al to prevent contact with the wafer, and possible scratching thereof, would have been obvious in view of Birang et al('133). With regard to claim 11, to use clear polyurethane as the window member material would have been obvious as taught by Birang et al('133).

5. Claims 1, 3-6, 8-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tolles(US 6524164) in view of Birang et al(US6537133). Tolles('164) discloses a polishing pad comprising all of the subject matter set forth in Applicant's claims above, except for the recitation of the window member being positioned a predetermined distance below the polishing surface. However, Birang et al('133) teach at column 6, lines 50-68 to provide a small but finite gap between the polishing surface and window, to avoid contact between the window and the work surface. To recess the window in the polishing pad of Tolles('164) to prevent contact with the wafer, and possible scratching thereof, would have been obvious in view of Birang et al('133). With regard to claim 11, note at column 5, lines 35-37 of Tolles, the use of clear polyurethane as the window member material.

6. Claims 2, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al('130) or Tolles('164) in view of Birang et al('133), and further in view of Wright et al(US 6832950). To roughen the surfaces of the optical window by abrading, for improved hydrophilic properties afforded the upper surface, and to

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promote adhering of the lower surface, would have been obvious in view of Wright et al('950).

7. Claims 7, and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ishikawa et al is cited to show an optical window recessed from the upper surface of the polishing pad to prevent scratching of the wafer.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Rose whose telephone number is (571) 272-4494. The examiner can normally be reached on Monday through Thursday, and on alternate Fridays, from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached at (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

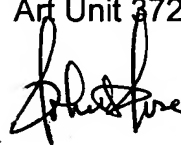
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Robert Rose
Primary Examiner
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A handwritten signature in black ink, appearing to read "Robert Rose", written over the printed name.

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November 28, 2006.